

CHAPTER 151 COURT-ORDERED SERVICES

[Prior to 7/1/83, Social Services[770] Ch 141]
[770—Ch 141 renumbered as 498—Ch 209, IAB 2/29/84]
[Agency number changed from [498] to [441] IAB 2/11/87]
[Prior to 7/26/89, 441—Ch 209]

PREAMBLE

These rules prescribe all services for children eligible for reimbursement from funds appropriated specifically for court-ordered and juvenile court-directed services to children for whom the juvenile court has primary responsibility, including the court-ordered services to juveniles fund. The rules establish procedures for administration, application, appeals, service delivery, billing and payment, eligibility criteria, and the allocation formula for funds appropriated for juvenile court services.

DIVISION I COURT-ORDERED CARE AND TREATMENT

441—151.1(232) Expenses to be reimbursed. The following lists of expenses that are either eligible or ineligible for reimbursement are intended to be exhaustive. Any expense for a service not listed below shall be reviewed by the judicial district planning committee to determine if this fund will pay for the expense. If payment of the expense would not be in conflict with current law or administrative rules and meets the criteria of the judicial district planning committee, this fund shall be used to reimburse the provider.

151.1(1) The expenses for which reimbursement shall be made include:

a. Expenses, other than salary, incurred by a person ordered by the court other than a juvenile court officer, in transporting a child to or from a place designated by the court, including mileage, lodging and meals.

b. The expense of care or treatment ordered by the court whenever the minor is placed by the court with someone other than the parents; or a minor is given a physical or mental examination or treatment under order of the court; or, upon certification by the department, a minor is given physical or mental examinations or treatment with the consent of the parent, guardian or legal custodian, relating to a child abuse investigation and no provision is otherwise made by the law for payment for the care, examination, or treatment of the minor.

Care and treatment expenses for which no other provision for payment is made by law that shall be reimbursable include court-ordered:

- (1) Individual services for the child separate from a family's treatment plan.
- (2) Diagnosis and evaluation on an outpatient basis unless the diagnosis and evaluation is provided by a person or agency with a purchase of service contract for that service in which case the proper payment source is home-based services.
- (3) An evaluation of a child in a residential facility.
- (4) Inpatient (hospital) evaluation of a child previous to disposition.
- (5) Medical treatment for a child.
- (6) Drug treatment, testing and care for a child.

(7) Intensive in-home supervision and monitoring and alternatives to shelter care unless the service is provided by a person or agency with a purchase of service contract for that service in which case the proper payment source is home-based services.

(8) Evaluation of parents pursuant to a CINA adjudication unless the diagnosis and evaluation is provided by a person or agency with a purchase of service contract for that service in which case the proper payment source is home-based services.

(9) One-to-one supervision of child not in a detention facility unless the service is provided by a person or agency with a purchase of service contract for that service in which case the proper payment source is home-based services.

(10) Physical or mental examinations ordered pursuant to Iowa Code section 232.49 or 232.98 except those set forth in subrule 151.1(2), paragraph “c,” or those eligible for payment pursuant to Iowa Code chapter 249A.

(11) Services ordered under family in need of assistance proceedings unless the service is provided by a person or agency with a purchase of service contract for that service in which case the proper payment source is home-based services.

151.1(2) Expenses that are excluded from reimbursement because another provision exists in the law include:

a. Foster care (including shelter care). Payment provisions are Iowa Code sections 234.35 and 234.36.

b. All charges for which the county is obligated by statute to pay including:

(1) Care and treatment of patients by any state mental health institute. Payment provision is Iowa Code section 230.20(5).

(2) Care and treatment of patients by either of the state hospital-schools or by any other facility established under Iowa Code chapter 222. Payment provision is Iowa Code section 222.60.

(3) Care and treatment of patients by the psychiatric hospital at Iowa City. Payment provision is Iowa Code chapter 225.

(4) Care and treatment of persons at the alcoholic treatment center at Oakdale or any other facility as provided in Iowa Code chapter 125. Payment provision is Iowa Code section 125.44.

(5) Care of children admitted or committed to the Iowa juvenile home at Toledo. Payment provision is Iowa Code section 244.14.

(6) Clothing, transportation, and medical or other service provided persons attending the Iowa braille and sight-saving school, the Iowa school for the deaf, or the state hospital-school for severely handicapped children at Iowa City for which the county becomes obligated to pay pursuant to Iowa Code sections 263.12, 269.2, and 270.4 to 270.7.

(7) Care and treatment of persons placed in the county hospital, county care facility, a health care facility as defined in Iowa Code section 135C.1, subsection 4, or any other public or private facility in lieu of admission or commitment to a state mental health institute, hospital-school, or other facility established pursuant to Iowa Code chapter 222. Payment provisions are Iowa Code sections 222.50, 230.1 and 244.14.

c. Child abuse photos and X-rays. Payment provision is Iowa Code section 232.77 and rule 441—175.5(232).

d. Any expenses set forth in subrule 151.1(1) above which qualify for payment pursuant to Iowa Code chapter 249A.

- e. Expense of a child sexual abuse examination. Payment provision is Iowa Code section 709.10.
- f. Expense of child day care. Payment provision is Iowa Code section 234.6.
- g. Expense of in-home treatment services. The payment provision is home-based services.
- h. Expense of homemaker-home health aide services. Payment provision is department of public health rules 641—Chapter 80.

151.1(3) Expenses for detention in a facility used for detention are excluded from reimbursement.

151.1(4) Expenses for all educational testing or programming, except for testing or programming of juveniles not weighted as special education students who attend an on-campus school in an out-of-state facility, are excluded from reimbursement.

151.1(5) Expenses for all court-ordered counseling and treatment for adults, including individual, marital, mental health, substance abuse and group therapy, unless this therapy is part of a total family-centered service package.

441—151.2(232) Amount to be reimbursed. In determining the amount of reimbursement, the department shall reimburse as follows:

151.2(1) The department shall reimburse at the rates set by the state for mileage, meals and lodging expenses involved in the transportation of the child.

151.2(2) For Medicaid-covered services the department shall reimburse at the same rate and duration as Medicaid does under the fee schedule section of 441—subrule 79.1(2).

151.2(3) The department will reimburse providers with purchase of service agreements at the rate of the purchase of service agreement. The department will reimburse providers who do not have a purchase of service agreement at a rate comparable to the rate reimbursed to providers who have an agreement with the department.

151.2(4) The department will begin to establish allowable rates for services that are not covered in the above subrules.

151.2(5) The department will supplement private insurance up to the amount the above rules allow. This fund is not to be used in lieu of private insurance.

441—151.3(232) Reporting and reimbursement requirements. The department shall reimburse a claimant for enumerated costs when claims are submitted according to the following procedures:

151.3(1) Claims shall be billed for services as established by the district planning committee's spending priorities. Claims for services rendered on or after July 1, 1991, shall be submitted monthly by the claimant using Form 470-1691, Claim for Court-Ordered Care and Treatment. Each claim shall also include an original and two copies of the signed and completed Authorization for Payment of Court-Ordered Care and Treatment, Form 470-2609, a statement as specified in subrule 151.3(3) and court documentation.

151.3(2) Claims shall be submitted to the county juvenile court office or department of human services local office by the end of the month following the month in which the service was provided.

a. The claim shall be submitted within three months of the date of service. Claims submitted more than three months after provision of service will have to go through the state board of appeals process in order to be paid. Exceptions to this policy are when hospitals, clinics, mental health centers and doctors have applied for Medicaid or private insurance to pay for the care and treatment and are waiting for Medicaid or the insurance company to make a determination about payment and at the end of the fiscal year when claims need to be submitted within 45 days of the end of the fiscal year, June 30, to ensure payment out of that fiscal year.

b. Valid claims which were originally submitted within the time limit specified in paragraph “a,” but were rejected because of an error, shall be resubmitted without regard to time limit.

c. Claims for services not paid by the date of the closing of accounting books for that fiscal year must be filed with the appeal board for the claimant to receive payment.

151.3(3) Any claim for treatment or care shall be accompanied by an explanation of the type of service provided and a billing or statement including the name, the mailing address and telephone number of the agency or person providing the service. The instructions and the forms used shall be available at each county’s juvenile court and human services office.

151.3(4) Each claimant shall maintain and make available upon request to the department of inspections and appeals and the state auditor the records, including court orders, used in submitting claims for reimbursement. The records shall be subject to audit by the department of inspections and appeals.

151.3(5) In the event an audit of the claimant fails to verify the amount, the claimant shall reimburse the department the difference between the amount submitted by the claimant and the amount verified upon audit, not to exceed the amount paid by the state.

151.3(6) When the claimant fails to maintain adequate records for auditing purposes, fails to make records available for auditing, or when the records, upon audit, fail to support the claims submitted, the claimant shall reimburse the department for the amount of any claims not supported by audit.

151.3(7) The department shall not reimburse a provider at a rate which is greater than that allowed by administrative rules. Reimbursement paid to a provider shall be considered paid in full unless the county voluntarily agrees to pay the difference between the reimbursement rate and the actual costs of the service. When there are specific program regulations prohibiting supplementation, such as the prohibition of supplementation of Medicaid reimbursement, those regulations shall be applied to providers requesting supplemental payments from a county.

151.3(8) In the event that funds are expended in any judicial district, the chief judge of the district will be notified.

These rules are intended to implement Iowa Code section 232.141.

441—151.4 to 151.20 Reserved.

DIVISION II ADOLESCENT MONITORING AND OUTREACH SERVICES

441—151.21(232) Definitions.

“*Adolescent monitoring and outreach services*” are activities undertaken to provide intensive one-to-one guidance and monitoring of a child with the goal of maintaining client accountability and establishing positive behavior patterns for a client in a nonresidential, community-based setting.

“*Child*” means a person under 18 years of age.

“*Department*” means the department of human services.

“*Juvenile court officer*” means a person appointed as a juvenile court officer under Iowa Code chapter 602 and a chief juvenile court officer appointed under Iowa Code chapter 602.

441—151.22(232) Service components. Adolescent monitoring and outreach services are designed to provide a continuum of individualized interventions to adolescents and their families 7 days a week, 24 hours a day and is composed of two primary service components and three secondary services components.

151.22(1) Primary service components. Primary service components include:

a. Adolescent tracking, guidance and monitoring, which may include electronic monitoring. These activities are directed toward maintaining client accountability and include multiple daily contacts through direct client contact, telephone, or electronic monitoring devices.

b. Advocacy and outreach services. Advocacy and outreach activities are designed to provide advocacy for the client and may include assistance in accessing the following types of resources:

- (1) Referral to community organizations.
- (2) Health services (physical and mental).
- (3) Education.
- (4) Employment.
- (5) Legal.
- (6) Case conferences and services planning.
- (7) Diagnostic assessment services.
- (8) Family competency building services.

151.22(2) Secondary service components. Secondary service components shall be provided only in combination with a primary service component, and include:

- a.* Guidance.
- b.* Recreation.
- c.* Transportation.

441—151.23(232) Application. Application for adolescent monitoring and outreach services shall be made pursuant to 441—Chapter 130 on Form SS-1120-0, Application for Social Services/IV-A Emergency Assistance. The application shall be taken by a juvenile court officer and submitted to the division of adult, children and family services of the department for Title IV-A emergency assistance services eligibility determination.

441—151.24(232) Eligibility. Children shall be eligible for adolescent monitoring and outreach services without regard to income or cash resources when the juvenile court officer has determined there is a need for services as evidenced by one of the following situations:

151.24(1) Receipt of reports. Reports have been completed by schools, parents or community organizations indicating the need for monitoring and tracking of a client due to concerns or reports of delinquent activities.

151.24(2) Filing of petition. A petition has been filed alleging delinquent behavior.

151.24(3) Action of juvenile court. Juvenile court actions have been taken including, but not limited to, informal adjustment agreements, adjudication and disposition proceedings.

441—151.25(232) Service provision. Services may be provided by persons or agencies who have entered into contractual agreements with the juvenile court for the provision of adolescent monitoring and outreach services. Each judicial district chief juvenile court officer shall establish minimum qualifications for providers of adolescent monitoring and outreach services, and criteria and procedures for selection and contracting with providers to best meet the services needs of the juveniles in the judicial district.

The juvenile court shall provide the department's division of adult, children and family services with the following:

151.25(1) *Identification of providers.* A list of approved providers and the date of provider approval.

151.25(2) *Contracting procedures.* A description of the court's contracting procedures including:

- a. Methods of provider selection.
- b. Provider qualifications and training.
- c. Reporting requirements.
- d. Service documentation procedures.

441—151.26(232) Service termination and reduction. Services shall be terminated when the court orders discontinuation of services or when the juvenile court officer determines there is no longer a need for service or that maximum benefits of services provision have been achieved. If funds allocated or appropriated for these services are exhausted or encumbered, services shall be discontinued.

441—151.27(232) Appeals. If services are court-ordered, clients who believe they have been adversely affected by decisions made by the juvenile court may appeal through appeals procedures established pursuant to Iowa Code section 232.133. For services which are not court-ordered, clients who believe they have been adversely affected may appeal to the appropriate chief juvenile court officer.

441—151.28(232) Billing and payment procedures.

151.28(1) *Contractual agreements.* The juvenile court shall have the authority to enter into contractual agreements with persons or agencies for the provision of adolescent monitoring and outreach services.

151.28(2) *Payment for services.* Payment for services under this funding source shall be made only to providers of services that have contractual agreements with the juvenile court for the provision of adolescent monitoring and outreach services.

151.28(3) *Unit of service and maximum rate.* The unit of service shall be defined as one-half hour of client service. For telephone contact monitoring, the judicial district may choose to reimburse providers at an established flat rate per telephone contact. The reimbursement rate shall represent actual costs not to exceed a maximum of \$20 per half hour.

158.28(4) *Claim submission.* The department shall reimburse providers for provision of services when claims are submitted according to the following procedures:

a. Claims for services shall be billed using Form 470-1691, Claim for Court-Ordered Care and Treatment, and Form 625-5297, Claim Order/Claim Voucher. Each claim shall include an original and two copies of the signed and completed forms. At a minimum, the voucher shall contain the names of the children to whom service was provided and the number of service units provided per child.

b. Any claim for payment shall be accompanied by an explanation of the type of service provided and a billing or statement including the name, mailing address and telephone number of the agency or person providing the services. The instructions and forms used shall be available at each county's juvenile court and human services office.

c. Claims shall be submitted to the chief juvenile court officer in the judicial district in which the service was provided for approval. Claim forms shall then be submitted to the Department of Human Services, Division of Adult, Children and Family Services, Hoover State Office Building, Des Moines, Iowa 50319-0114.

d. Claims shall be submitted within 90 days of the date of services. Claims submitted more than 90 days after the provision of service have to go through the state board of appeals process in order to be paid. Current fiscal year claims which are not submitted within 90 days of the date of services and which are not more than \$2,500 shall be sent to the department's central office for payment. Claims that are not submitted within 90 days of the date of services for amounts that exceed \$2,500 shall be sent to the state appeals board.

Valid claims which were originally submitted within the time limits specified, but were rejected because of an error, shall be resubmitted prior to the end of the current fiscal year.

Claims for services not paid by the date of the closing of accounting books for that fiscal year must be filed with the appeal board for the claimant to receive payment.

151.28(5) *Records.* Each claimant shall maintain and make available upon request to the department, the records, including court orders, used in submitting claims for reimbursement.

151.28(6) *Audits.* In the event an audit of the claimant fails to verify the amount, the claimant shall reimburse the department the difference between the amount submitted by the claimant and the amount verified upon audit, not to exceed the amount paid by the state.

When the claimant fails to maintain adequate records for auditing purposes, fails to make records available for auditing, or when the records, upon audit, fail to support the claims submitted, the claimant shall reimburse the department for the amount of any claims not supported by audit.

441—151.29(232) *Allocation of funds.* Funds appropriated by the Iowa General Assembly for the provision of adolescent monitoring and outreach services shall be allocated to the judicial districts according to a formula based on the per capita population of children aged 5 to 17 (1990 census). The department shall monitor the provision of services and availability of funds and, in consultation with the chief juvenile court officers, reallocate funds as needed to ensure the availability of services on a statewide basis.

441—151.30(232) *Client records.* The juvenile court shall maintain a client case file that shall include information generated during client assessment, documentation of court proceedings, service plans and case reports, including provider quarterly reports documenting provision of services. The juvenile court officer shall notify the division of adult, children and family services when services are discontinued.

Client records shall be maintained for a period of five years following termination of services.

Central office staff of the department shall complete annual on-site reviews of the service records maintained by the juvenile court of clients receiving adolescent monitoring and outreach services for which a Title IV-A emergency assistance federal match was claimed.

These rules are intended to implement Iowa Code section 232.141 and 1994 Iowa Acts, chapter 1186, section 10, subsection 17.

441—151.31 to 151.40 Reserved.

DIVISION III
SUPERVISED COMMUNITY TREATMENT PROGRAM SERVICES

PREAMBLE

Supervised community treatment services are activities intended to provide daily treatment and support services to youth adjudicated as delinquent or evaluated by a juvenile court officer to be at risk of such an adjudication. These youth experience problems that place them at risk of group care or state institutional placement. Supervised community treatment services were developed by the department, in collaboration with chief juvenile court officers, as a result of funds appropriated to the department for these purposes.

441—151.41(232) Definitions.

“*Child*” means a person under 18 years of age.

“*Department*” means the department of human services.

“*Juvenile court officer*” means a person appointed as a juvenile court officer or as a chief juvenile court officer under Iowa Code chapter 602.

“*Supervised community treatment services*” are activities intended to provide treatment and educational support services to youth who are adjudicated as delinquent or evaluated by a juvenile court officer to be at risk of such an adjudication; and who are experiencing social, behavioral, or emotional problems that place them at risk of group care or state institutional placement.

441—151.42(232) Service components. Supervised community treatment programs provide treatment and an opportunity to participate in educational programming to youth. Supportive therapy or counseling and skill development services may be provided by these programs to the youth’s family.

Supervised community treatment programs may be colocated with existing school programs. Although the costs of educational programming shall not be funded through this appropriation, programs shall be developed so that there is close coordination between educational and treatment components. Supervised community treatment programs shall be developed in accordance with the following characteristics and treatment components:

151.42(1) Attendance. Youth shall attend the noneducational portion of the program at least three hours per day for at least three days per week.

151.42(2) Skill-building services. Youth shall receive skill-building services focusing on social skills, recreational activities, employment readiness, independent living, and other areas related to their treatment needs each day they attend the program.

151.42(3) Therapy and counseling. Youth shall receive individual, group, and family therapy and counseling as determined appropriate by the program director and referral source.

151.42(4) Nutrition. Snacks and meals shall be provided as necessary throughout the noneducational portion of the program day.

151.42(5) Supervision and support services. Supervision and support services such as transportation to the noneducational program, family outreach, telephone contact, and electronic monitoring of youth shall be provided when necessary.

151.42(6) Aftercare service planning. Aftercare service planning shall begin upon admission so that timely aftercare services are available upon discharge, if needed.

441—151.43(232) Service application. Children and their families shall make application for supervised community treatment services or be directed to receive the services through the juvenile court office in their area.

441—151.44(232) Service eligibility. Children shall be eligible for supervised community treatment service without regard to individual or family income when they meet all of the following criteria. Documentation of each client's eligibility shall be maintained by the client's juvenile court officer in the juvenile court case record. Services may be denied due to unavailability of funds.

151.44(1) Adjudication. The child shall have been adjudicated as delinquent by the juvenile court or be evaluated by a juvenile court officer to be at risk of such an adjudication.

151.44(2) Risk of placement. The child shall be experiencing social, behavioral, or emotional problems that put the child at risk of group care or state institutional placement.

151.44(3) Level of treatment. The child shall not require more extensive treatment than provided in the supervised community treatment program.

151.44(4) Court order or referral. The child shall be court-ordered to participate in supervised community treatment services or shall be referred to the program by the child's juvenile court officer. Referrals shall not be made when funds for the program are not available.

441—151.45(232) Service coordination. Supervised community treatment services shall be coordinated in accordance with the following procedures:

151.45(1) Service referral. When a juvenile court officer has determined that a youth for whom the officer is responsible is appropriate for supervised community treatment services, the officer shall refer the eligible client to providers of supervised community treatment services serving the child's community and make arrangements for the youth's admission into the service.

151.45(2) Time limits for service approval. Juvenile court officers shall review and approve a client to receive supervised community treatment services for up to six months at a time except that service approval shall not extend beyond the end of the current fiscal year. The officer shall reevaluate the client's eligibility and need for services in accordance with procedures established by the respective judicial district.

151.45(3) Monitoring of service delivery. Juvenile court officers shall monitor the delivery of supervised community treatment services to youth for whom they are responsible. Monitoring shall include maintaining contact with the child, the child's family, the provider, and other community agencies to adequately assess the child's progress and need for services. In addition, juvenile court officers shall monitor the accuracy of provider billings.

441—151.46(232) Provider progress reports. Providers of supervised community treatment services shall prepare an initial treatment plan in consultation with the referral source within 30 days of the client's admission and shall prepare a minimum of quarterly progress reports on each youth receiving services. Additional reports may be prepared when requested by the juvenile judge or the youth's juvenile court officer. All reports shall be submitted to the juvenile court officer responsible for monitoring the child's progress. All reports shall, at a minimum, describe the child's attendance, adjustment, and progress in achieving the desired goals and objectives established in the treatment plan.

441—151.47(232) Service reduction or termination. Supervised community treatment services shall be reduced or terminated by a child's assigned juvenile court officer when the officer determines that one of the following conditions exists.

151.47(1) *More restrictive setting needed.* The youth has experienced social, behavioral, or emotional problems requiring placement in a more restrictive setting by order of the court.

151.47(2) *Progress sufficient.* The youth has made sufficient progress, based on provider progress reports and the officer's own evaluation, so that supervised community treatment services are no longer required.

151.47(3) *Noncompliance.* The youth, or the youth's family, has been noncompliant with treatment program requirements, despite attempts to promote cooperation. Continuation of the child in the program is evaluated by the court officer not to be in the youth's best interests.

151.47(4) *Unavailability of funds.* Funds are not available for continued services if funds are encumbered but not expended.

441—151.48(232) Appeals. The sole remedy for youth whose applications for supervised community treatment services are denied, or whose services are reduced or terminated shall be appeal of these decisions to the chief juvenile court officer or the officer's designee of the respective judicial district. The chief juvenile court officer's or designee's decision shall be final.

441—151.49(232) Provider standards, contracting, rates, and billing and payment. The following procedures shall be followed for provider selection, contracting, rate setting, billing and payment.

151.49(1) *Eligible providers.* Eligible providers of supervised community treatment program services shall meet all of the following conditions. Agencies or organizations shall have:

a. A current purchase of services or rehabilitative treatment and supportive services contract with the department and agreed to accept the unit rate and applicable programmatic requirements for any of these services delivered in conjunction with supervised community treatment services.

b. Been selected by administrative officials of the judicial district within the geographic area where the program is located to provide supervised community treatment services within all or a portion of the judicial district.

c. Agreed to provide services in compliance with the programmatic standards established by the rules of this division.

d. Entered into a contract with the judicial district and the department that establishes expectations, rates, and billing and payment procedures for the supervised community treatment program.

e. Agreed to charge the applicable rehabilitative treatment and supportive services unit rate and follow applicable rehabilitative treatment and supportive services standards governing service delivery and staff qualifications for any supervised community treatment services delivered in the same room, and at the same time, and with the same staff as any rehabilitative treatment or supportive service program of the agency.

f. Agreed to report supervised community treatment program costs separately on all purchase of services and rehabilitative treatment and supportive service cost reports.

151.49(2) *Provider selection.* A judicial district shall be allowed to choose one or more providers of supervised community treatment services within the various portions of the district. The chief juvenile court officer for each judicial district shall develop a process for announcing this program to potential providers within the district; a format and time line for submission of provider proposals to operate programs and provide services; and selection criteria for choosing providers to deliver services within the judicial district. Each judicial district shall submit a description of this supervised community treatment program selection process, including procedures for resolving appeals by providers not selected to develop programs, to the administrator of the department's division of adult, children and family services for approval prior to initiating the selection process. Chief juvenile court officers shall have the authority to resolve provider appeals in accordance with procedures approved by the department.

151.49(3) *Development of contacts with providers.* When a judicial district has selected providers to operate supervised community treatment programs within the district, the chief juvenile court officer or the officer's designee and staff from the division of adult, children and family services shall develop a contract between the department, judicial district, and provider. These contracts shall be based on the supervised community treatment program standards and procedures outlined in this division and on information contained in the proposals submitted by providers. Whenever possible and appropriate, judicial districts, providers, and the department shall work together to maximize utilization of RTSS services in conjunction with supervised community treatment programs in order to leverage available federal funding and allow for more children to receive services through the juvenile justice appropriation. All contracts shall require approval by the director of the department before service reimbursement may be made. Contracts shall be based on an agreement to reimburse the provider at a specific rate for services delivered to eligible clients, but shall not ensure a provider reimbursement for a specific rate of utilization. Contracts shall meet all applicable requirements of the department of revenue and finance. Contracts may be amended or terminated by the department due to the unavailability of funds.

151.49(4) *Monitoring of contracts with providers.* The chief juvenile court officer of each judicial district shall be responsible for monitoring the contractual compliance of supervised community treatment providers with whom contracts are developed. Each chief juvenile court officer shall provide the department a description of their process for monitoring contracts, which at a minimum shall include methods of reviewing service billings and delivery, provider standards, and progress reports and staff qualifications.

151.49(5) *Service rates.* Service rates for supervised community treatment services shall be established through review of the provider's budget and negotiation between the provider, appropriate chief juvenile court officer or the officer's designee, and department staff.

Rates shall be established and reimbursed based on delivery of either one-half hour of specified supervised community treatment services or on a per diem basis. However, the service rate for any supervised community treatment services delivered in the same room, and at the same time, and with the same staff as any rehabilitative treatment or supportive service program shall be the applicable half-hour service rate established under the rehabilitative treatment and supportive services program. Different half-hour rates may be established for the different components of the supervised community treatment program. All contracts shall establish and define billable units and payment rates for the program. Modifications in contracts may be requested by the provider and approved as necessary by the chief juvenile court officer. Providers may appeal denials of contract modification requests to the appropriate chief juvenile court officer, whose decision shall be final.

151.49(6) *Billing and payment.* Providers of supervised community treatment services shall submit billings on a monthly basis for specific youth receiving services. Bills shall be submitted on Form 625-5297, Claim Order/Claim Voucher, to the chief juvenile court officer of the appropriate judicial district. The chief juvenile court officer, or the officer's designee, shall verify the accuracy of the billings, approve the billings, and submit them on Form 625-5297 to the court-ordered care and treatment program manager in the division of adult, children and family services to be processed for payment. The department shall process billings, issue payments to providers, and provide monthly accounting to the chief juvenile court officer.

441—151.50(232) *Staff qualifications and training.* The minimum standard for staff qualifications for staff employed to deliver services in a supervised community treatment program shall be graduation from high school or possession of a GED certificate and the equivalent of one year of full-time experience in the delivery of human services in a public or private agency. Judicial districts may require higher staff qualifications for specific components of these programs and shall outline expected qualifications in their requests for proposals and program contracts. Staff qualifications shall be monitored by the judicial district as part of contract monitoring.

Providers of supervised community treatment services shall ensure that staff have experience in working with the target population of delinquent youth and shall provide planned opportunities for ongoing staff development and in-service training.

441—151.51(232) *Allocation and management of funds.* Appropriated funds shall be allocated and managed as follows:

151.51(1) *Allocation.* Funding appropriated to the department for supervised community treatment services shall be allocated by the department among the eight judicial districts based on each district's respective proportion of the statewide population of children aged 5 to 17, based on current census data.

151.51(2) *Management.* Each judicial district shall manage its allocation to ensure that services are available throughout the fiscal year. If district funding is exhausted, services shall be discontinued. In the event demand in one district exceeds demand in another, the chief juvenile court officers shall work with the department to adjust district funding allocations so as to best meet statewide service needs. If funding for these services is exhausted, services shall be discontinued with notice provided to eligible clients and providers by the chief juvenile court officer or the officer's designee.

These rules are intended to implement Iowa Code section 232.141.

441—151.52 to 151.60 Reserved.

DIVISION IV
LIFE SKILLS DEVELOPMENT SERVICES

PREAMBLE

Life skills development services are intended to provide training in life and job-seeking skills, as well as job training experiences, to adjudicated delinquent youth, or youth who are evaluated by a juvenile court officer to be at risk of such an adjudication, and who are at low to moderate risk for delinquent behavior within their communities. These youth shall receive specific training to develop and enhance their interpersonal skills. Examples of allowable skill development training shall include, but not be limited to, interpersonal relationships, self-esteem, anger management, problem solving, stress reduction, accountability and accepting responsibility, victim empathy, and job skills and experiences. Life skills development instruction shall be provided in community-based settings to prevent placement in more restrictive settings or assist youth in returning to their communities from out-of-home placement.

441—151.61(232) Definitions.

“Child” means a person under 18 years of age.

“Department” means the department of human services.

“Juvenile court officer” means a person appointed as a juvenile court officer or as a chief juvenile court officer under Iowa Code chapter 602.

“Life skills development services” means the provision of instruction designed to enhance interpersonal adjustment, reduce recidivism, or prevent out-of-home placement to adjudicated delinquent youth or youth who are evaluated by a juvenile court officer to be at risk of such an adjudication. Life skills development services provide specific programs of instruction in community-based settings to youth who have experienced problems with delinquent behavior. These services may be provided on an individual or group basis.

441—151.62(232) Service application. Children and families may apply for life skill development services or be directed to receive the services through the juvenile court services office in their area.

441—151.63(232) Service eligibility. Children shall be eligible for life skills development services without regard to individual or family income when they are adjudicated delinquent or are evaluated by a juvenile court officer to be at risk of such an adjudication and are determined by their juvenile court officer to be in need of instruction in any of the following areas: interpersonal skills, anger management, stress reduction, self-esteem, problem solving, accountability and accepting responsibility, victim empathy, and job skills and experiences. Services may be denied due to the unavailability of funds.

Documentation of eligibility for life skills development services shall be maintained by juvenile court officers in the client’s case record.

441—151.64(232) Service coordination. Life skills development services shall be coordinated in accordance with the following procedures:

151.64(1) Service referral. Chief juvenile court officers, or their designees, shall establish written procedures for screening and approving referrals for life skills development services. Referrals shall not be made when funds for the program are not available.

151.64(2) Referral to provider. When a juvenile court officer has determined a youth is eligible for life skills development services, the officer shall determine which service provider can best meet the youth's needs, refer the client to this provider, and assist in the client's transition to life skills development services.

151.64(3) Time limits for service approval. Juvenile court officers may approve life skills development services for up to six consecutive months at a time except that service approval shall not extend beyond the current fiscal year. The officer shall reevaluate the client's eligibility and need for these services in accordance with procedures established by the respective judicial district.

151.64(4) Monitoring of service delivery. The assigned juvenile court officer shall monitor the delivery of life skills development services to youth for whom they have supervisory responsibility. Monitoring shall include maintaining contact with the child, the child's family, the provider, and other community agencies as necessary to measure the child's progress and need for services. In addition, the juvenile court officer shall monitor the accuracy of provider billings. Provider or client problems in service delivery shall be brought to the attention of the juvenile court officer supervisor or chief juvenile court officer or designee.

441—151.65(232) Provider progress reports. Providers of life skills development services shall submit progress reports on each youth receiving services to the assigned juvenile court officer at intervals specified in the contract. Progress reports shall describe the specific instruction provided, the client's attendance, response to instruction, and progress toward achieving desired goals and objectives identified by the provider and referral source.

441—151.66(232) Service reduction or termination. Life skills development services may be reduced or terminated by the child's assigned juvenile court officer when the juvenile court officer has determined that one of the following conditions exists:

151.66(1) Maximum benefits. The youth has completed or received maximum benefits from life skills development services.

151.66(2) Noncompliance. The youth has been noncompliant or uncooperative with life skills development services despite repeated attempts to elicit the youth's cooperation.

151.66(3) More restrictive setting needed. The youth has experienced social, behavioral, or emotional problems that have resulted in placement in a more restrictive setting.

151.66(4) Unavailability of funds. Funds are not available within the judicial district for continued services.

441—151.67(232) Appeals. The sole remedy for youth whose applications for life skills development services are denied, or whose services are reduced or terminated, shall be appealed to the chief juvenile court officer of the respective judicial district or the officer's designee. The chief juvenile court officer's or designee's decision shall be final.

441—151.68(232) Provider standards, contracting, rates, billing and payment. Provider standards, contracting, rate setting, billing, and payment shall follow the procedures outlined below.

151.68(1) Eligible providers. Eligible providers of life skills development services shall be individuals or agencies that meet all of the following conditions. Providers shall:

a. Have the educational and instructional ability, as determined by juvenile court officers, to deliver life skills development services to eligible youth in the settings most suited to the client's needs.

b. Be selected and approved by the chief juvenile court officer or the officer's designee within each judicial district to provide life skills development services and instruction.

c. Use a curriculum approved by the appropriate chief juvenile court officer for life skills development services and instruction.

d. Have a contract with the judicial district and department for life skills development services and agree to abide by all required instructional, reporting, rate setting, and billing and payment procedures for life skills development services.

e. Agree to charge the applicable rehabilitative treatment and supportive services unit rate and follow applicable rehabilitative treatment and supportive services standards governing service delivery and staff qualifications for any life skills development services delivered in the same room, and at the same time, and with the same staff as any rehabilitative treatment or supportive service program of the agency.

f. Agree to report life skills development service costs separately on all purchase of service and rehabilitative treatment and supportive services cost reports.

151.68(2) *Provider selection.* The chief juvenile court officer or designee within each judicial district may consult with representatives from the department to select eligible providers of life skills development services to meet the needs of eligible youth within the district.

Multiple providers may be selected to address the needs within the districts. Providers may be individuals, agencies, or other organizations with the demonstrated capacity to provide life skills development services.

The chief juvenile court officer or designee of each judicial district shall develop and provide a written description of their process for selecting providers, including resolving appeals by providers not selected to provide life skills development services, and implementing life skills development services to the administrator of the department's division of adult, children and family services for review and approval prior to initiating the selection process. This description shall include the chief's plans for ensuring that providers are of appropriate character and for monitoring service delivery. Chief juvenile court officers shall have the authority to resolve provider appeals in accordance with procedures approved by the department.

151.68(3) *Development of contracts with providers.* When the chief juvenile court officer or designee of a judicial district has selected providers of life skills development services, the chief and department shall develop a contract with each provider that shall establish and define the billable unit of service and specify the payment rate for the provider's life skills development services, any approved charges for curriculum materials, and other expenses involved in the delivery of life skills development services. Contracts shall meet all applicable requirements of the department of revenue and finance. Contracts may be amended or terminated due to the unavailability of funds. Contracts shall be based on providing payment at a specific rate for services delivered to eligible providers, but shall not ensure reimbursement for a specific rate of utilization. Contracts shall be approved by the department before service reimbursement is made.

151.68(4) *Service rates.* Service rates for life skills development services shall be established through agreements between providers, chief juvenile court officers, and the department, based on the provider's proposed budget. Rates shall be defined on the basis of delivery of a specific time period or amount of life skills development services, including instruction to an eligible youth. Rates may vary between providers for various types of life skills development services.

Providers may be approved for reimbursement for instructional materials if these expenses are not incorporated into the service delivery rate.

151.68(5) *Monitoring of contracts with providers.* The chief juvenile court officer of each judicial district shall be responsible for monitoring their contracts with life skills development providers. Chief juvenile court officers shall provide the department a description of their process for monitoring contracts, which at a minimum shall include methods of reviewing service billings and delivery, provider standards and progress reports, and staff qualifications. Providers may request contract modifications through the chief juvenile court officer. Providers may appeal denials of contract modification requests to the chief juvenile court officer, whose decision shall be final.

441—151.69(232) Staff qualifications and training. Providers of life skills development services shall use staff who, in the opinion of the chief juvenile court officers, have the necessary training and experience to provide quality services on the topic about which they will be delivering instruction. Providers shall ensure that staff involved in service delivery have opportunities for ongoing staff development and in-service training. Chief juvenile court officers shall review provider staff qualifications and training activities.

441—151.70(232) Billing and payment. Providers of life skill development services and instructional materials shall submit billings on a monthly basis for the specific youth who have been referred by juvenile court officers. Bills shall be submitted on Form 625-5297, Claim Order/Claim Voucher, to the chief juvenile court officer of the appropriate judicial district or designee. The chief juvenile court officer or designee shall verify the accuracy of these billings, approve them and submit them on Form 62-5297 to the court-ordered care and treatment program manager in the division of adult, children and family services. The department shall process billings, issue payments to providers, and provide monthly accounting to the chief juvenile court officers.

441—151.71(232) Allocation and management of funding. Appropriated life skills development services funds shall be allocated and managed through the following procedures:

151.71(1) *Allocation.* Funding appropriated to the department for life skills development services shall be allocated by the department among the eight judicial districts based on each district's respective proportion of the statewide population of children aged 5 to 17, based on current census data.

151.71(2) *Management of funds.* Each judicial district shall manage its allocation to ensure that services are available throughout the fiscal year. If district funding is exhausted, services shall be discontinued. In the event demand in one district exceeds demand in another, the chief juvenile court officers shall work with the department to adjust district funding allocations so as to best meet statewide service needs. If funding for these life skills development services is exhausted, service shall be discontinued with notice provided to eligible clients and providers by the chief juvenile court officer or the officer's designee.

441—151.72 to 151.80 Reserved.

DIVISION V
SCHOOL-BASED SUPERVISION PROGRAMS

PREAMBLE

School-based juvenile justice programs are intended to provide services that maintain youth in their own communities and prevent out-of-home placement. School-based supervision programs provide, through a contract for services, on-site supervision services to students at the middle and high school levels. Youth receiving services may include nonadjudicated and adjudicated children who are experiencing truancy or other behavioral problems within the school setting. Those youth present a low to moderate risk for delinquency within their communities. Funding for school-based supervision programs shall be cooperative with the department committing one-half of the budgeted costs for each school-based program and the local school district and juvenile court services each committing one-fourth of the budgeted costs to provide these services within each school where a program is established.

441—151.81(232) Definitions.

“*Child*” means a person under 18 years of age.

“*Department*” means the department of human services.

“*Juvenile court officer*” means a person appointed as a juvenile court officer or a chief juvenile court officer under Iowa Code chapter 602.

“*Juvenile justice school-based supervision service programs*” are cooperative efforts jointly funded by the department, the juvenile court services through the court-ordered care and treatment program appropriation from the department, and local school districts in whose schools programs are located. These programs shall be designed to provide staff who deliver on-site supervision services to students experiencing truancy or other behavior problems that have caused increased problems at home or in the community. The primary target population of youth who will receive these services shall be those who fall within the jurisdiction of Iowa Code chapter 232. These programs are intended to maintain children in their communities and prevent out-of-home placement. Services provided may include, but are not limited to, dealing with misbehavior and truancy on an immediate basis, providing family support services such as outreach and education, performing juvenile court intake functions, and promoting resource development to meet the needs of youth most effectively.

441—151.82(232) Service application. Children and their families shall make application for school-based supervision services by contacting or being contacted by the school-based supervision staff in schools where programs are established.

441—151.83(232) Service eligibility. Youth who shall be eligible to receive services from a school-based supervision program established pursuant to these rules shall include those who meet at least one of the following conditions:

151.83(1) Adjudication. The child shall have been adjudicated as delinquent by the juvenile court or be evaluated as at risk of such an adjudication as identified by the department, juvenile court services, or schools.

151.83(2) *Behavior problems.* The child is experiencing (as determined by the department, juvenile court services, or schools) truancy or any other behavior problems that are causing increased problems at home or in the community. Children who meet one of these criteria may be served by a school-based supervision program. Additional eligibility criteria and service procedures may be developed by each school-based program to most effectively target resources to the specific needs of the school. These policies shall be contained in the program description and contract executed between the department, juvenile court, school, and service provider.

441—151.84(232) *Allocation of funds, provider selection, and fiscal management.* Funds appropriated to the department for school-based supervision services shall be allocated by the department among the eight judicial districts based on each district's respective proportion of the statewide population of children aged 5 to 17 based on current census data. These allocation amounts shall represent the department's share (one-half) of the program appropriation. These allocations shall be matched with 25 percent of each program's costs committed from the judicial district's court-ordered care and treatment appropriation from the department and the other 25 percent from the local school district where the program is established.

The chief juvenile court officer of each judicial district shall be responsible for selecting school-based programs for funding, and managing the district's school-based supervision allocation to ensure that resources are targeted effectively among schools within the district. The chief juvenile court officer or designee shall develop a process to inform school districts within the judicial district of the availability of funding for these programs, establish criteria for making selections for funding and resolving appeals in the event the number of interested schools exceeds available funding. The chief juvenile court officer shall provide a description of this process to the administrator of the department's division of adult, children and family services before initiating the selection process. The chief juvenile court officer shall have the final authority to resolve appeals in accordance with procedures approved by the department. All applications for funding shall contain funding commitments from the local school district for their 25 percent share of program costs. The chief may reduce requested funding in order to implement additional programs within the district.

441—151.85(232) *Contracting.* The department, school district, and chief juvenile court officers shall collaborate in the development of contractual agreements between the department and individuals or organizations selected to provide school-based supervision programs. No contract shall extend beyond the conclusion of the current fiscal year. All contracts shall specify that program services shall be discontinued if funding is exhausted or terminated. The chief juvenile court officers shall be responsible for monitoring the contracts for school-based programs within their districts and shall provide the department with a description of this process, which at a minimum shall include methods of monitoring service delivery and billings, provider standards and progress reports, and staff qualifications. Providers may request contract modifications through the chief juvenile court officer. Providers may appeal denial of contract modification requests to the chief juvenile court officer whose decision shall be final. Contracts shall meet all applicable requirements of the department of revenue and finance. Contracts may be amended or terminated due to the unavailability of funds.

The contract shall specify the respective responsibilities of the three program funders: the department, juvenile court, and the school district, as well as responsibilities and duties of the program provider. School districts shall make arrangements for the timely payment of program matching funds either to the department or directly to the provider through appropriate school procedures. These arrangements shall be defined in the contract. Each contract shall contain, at a minimum, the following information:

151.85(1) School. A description of the school district and specific schools in which the supervision program shall be implemented, including a description of why these schools were targeted as needing the program.

151.85(2) Program description. A description of the proposed school-based supervision program to be implemented, including client application, eligibility determination, service reduction or termination, and appeal procedures.

151.85(3) Staff description. A description of the number of staff to be employed in the program, including the job description, staff qualifications, procedures for training and supervising staff, and methods for monitoring the program.

151.85(4) Budget and rate setting. The proposed budget for the fiscal year, including assurances that the juvenile court, local school district, and department are in agreement that the department shall pay one-half and the school and juvenile court services shall each pay one-fourth of the total program costs. The method used by the school district in paying their share shall be specified. All contracts shall specify and define the billable unit of service.

151.85(5) Record keeping and reporting. A description of the record-keeping and statistical reporting procedures to be used by the program.

151.85(6) Unavailability of funds. A statement that services may be denied or terminated due to unavailability of funds.

151.85(7) Signatures. Signatures of authorized representatives of the department, the judicial district, and the local school district.

441—151.86(232) Billing and payment. Providers of school-based supervision services shall prepare billings on a monthly basis using Form 625-5297, Claim Order/Claim Voucher. Billings shall be submitted by the provider to the chief juvenile court officer of the judicial district or designee who shall verify the billing for accuracy, approve the billing, and submit it to the court-ordered care and treatment program manager in the department's division of adult, children and family services. The department shall process billings according to the rates and shares described in the contract, issue payments to providers, and provide monthly accounting to the chief juvenile court officer.

441—151.87(232) Provider record-keeping and progress reports. Each school-based supervision program shall have an established procedure for maintaining records on youth receiving assistance. The procedure shall also include methods for the timely communication of critical information between supervision staff and juvenile court, department, and school officials; assurances that child abuse allegations shall be reported promptly in accordance with applicable Iowa statutes; and systems to safeguard the confidentiality of client records.

School-based supervision programs shall maintain information and statistics which shall include, at a minimum, the number of children receiving services and educational and behavioral outcomes including attendance, grades, and student conduct. Each school-based supervision program shall submit an annual progress report summarizing this information to the appropriate chief juvenile court officer and department court-ordered care and treatment program manager. These reports shall be due by August 1 for the previous fiscal year of program operation. The format for these reports shall be specified by the chief juvenile court officer in collaboration with department and school officials.

These rules are intended to implement Iowa Code section 232.141.

- [Filed emergency 12/17/76—published 1/12/77, effective 12/17/76]
- [Filed 4/13/77, Notice 2/23/77—published 5/4/77, effective 6/8/77]
- [Filed emergency 7/3/79—published 7/25/79, effective 7/3/79]
- [Filed 9/6/79, Notice 6/27/79—published 10/3/79, effective 11/7/79]
- [Filed 10/24/79, Notice 7/25/79—published 11/14/79, effective 12/19/79]
- [Filed 5/5/80, Notice 3/19/80—published 5/28/80, effective 7/2/80]
- [Filed 11/24/81, Notice 3/8/81—published 12/23/81, effective 2/1/82]
- [Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]
- [Filed emergency 6/14/85—published 7/3/85, effective 7/1/85]
- [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
- [Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]
- [Filed emergency 6/29/89—published 7/26/89, effective 7/1/89]
- [Filed 10/10/89, Notice 7/26/89—published 11/1/89, effective 1/1/90]
- [Filed 8/16/90, Notice 6/27/90—published 9/5/90, effective 11/1/90]
- [Filed 2/15/91, Notice 1/9/91—published 3/6/91, effective 5/1/91]
- [Filed emergency 6/14/91—published 7/10/91, effective 7/1/91]
- [Filed 9/18/91, Notice 7/10/91—published 10/16/91, effective 12/1/91]
- [Filed emergency 3/20/95—published 4/12/95, effective 4/1/95]
- [Filed 6/7/95, Notice 4/12/95—published 7/5/95, effective 9/1/95]
- [Filed 8/15/96, Notice 7/3/96—published 9/11/96, effective 11/1/96]